

And the S^d Cause thus Standing upon Bill and answers Untill the S^d Eighteenth Day of February Anno Dom 1723 the Compl^t by Dan^l Dulany Esq^r of Councill Exhibited his Rep^t generally to the Answer. af^d and the Same Court the S^d Complainant by his S^d Council as the S^d Defendants by W^m Cumming their attorney Consented to and prayed that a Commⁿ issue to Some persons to Examine Evidences in relation to the S^d Cause.

Whereupon Commiss^{rs} names were Struck by the Council of Both parties in the usual manner and Condition iss^d Accordingly directed to the Severall persons therein named and appointed in the words following Viz^t

MARYLAND SS^t Charles Absolute Lord and Prop^{ty} of the Provinces of Maryland and Avalon Lord Baron of Baltemore etc. To Thomas Hayward Joseph Pemberton John Handy and Levin Gale of Somerset County Greeting Know ye that we have Appointed you or any three or Two of you to be our Commissioners to Examine Evidences in a Certain Cause depending in our [758] Court of Chancery Between John Caldwell of Somerset County af^d Compl^t and W^m Brewerton and Alexander Adams Clerk of the County af^d Def^{ts} We therefore Require you or any three or two of you that at Such Time and place as to you or any three or two of you Shall Seem Convenient you Cause to Come before you or any three or two of you all Such Evidences as Shall be to you or any three or two of you Named by Either Complainant or Defendants and that you Examine them on their Corporall Oaths to be by you administred on the Holy Evangelists in the presence of the S^d Complainant and Defendants (if they having timely Notice thereof think fitt to be present touching their Knowledge or Remembrance of any thing that may relate to the Cause af^d and reducing into writting their Severall Depositions you Send the Same Together wth this our Commission under your or any two or three of your hands to us in our High Court of Chancery with all Convenient Speed Wittness our Trusty and well beloved Rich^d Tilghman Esq^r Chancellor and keeper of our Great Seale of our Said Province of Maryland this third Day of March in the Ninth year of our Dominion etc. Annoque Dom 1723. Dan^l Dulany Edw^d Griffith

On the Back of aforegoing Commission is indorsed as follows Viz^t — The Execution of this Commission appears in Certain Schedules to this Commission Annext. Jos. Pemberton. Levin Gale. John Handy

In Canc Interrogatories to be administred to Wittnesses to be produced Sworn and Examined on the part and behalf of John Caldwell Compl^t Ag^t W^m Brewerton and Alexander Adams Def^{ts} 1st Do you know the parties Compl^t and Def^{ts} or either and which of them 2. Do you know the Def^t W^m Brewerton being indebted to the Compl^t in any and what Sum or Quantity of Tob^o and when as near as you can remember and what the value of Tob^o was at that Time and through whose means or Instigation did he refuse to pay the Same whether the Compl^t did Commence his Action at Law Ag^t him